



EXCLUSIONS & SUSPENSIONS POLICY

All One In A Million Free School Policies have been devised to ensure that:

- OIAM core values are at the heart of all we do: compassion, honesty, integrity and excellence
- Students from all backgrounds and all abilities are welcome
- Each student has the opportunity to flourish and achieve or exceed their potential
- We value the individuality of each student within the context of membership of our community
- We are committed to raising educational attainment and improving our students' life chances
- We provide an environment in which all students will be self-aware, self-disciplined and confident
- All students will understand how to make a positive contribution to our extended community
- We support academic, creative and personal achievement through our broad and balanced curriculum and extended curriculum focus on Sport, the Arts and Enterprise.

Approved by: Full Governing Body; Jane Hobbs, Principal

Last reviewed: March 2024

Next review: August 2025



Exclusion and Suspension Policy

Aim

This policy is informed by the Department for Education's (DfE) Exclusion Guidance and underpinned by the shared commitment of all members of the OIAMFS community to achieve our important school aims of:

- Ensuring the safety and wellbeing of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.
- Realising the aim of creating, if possible, a zero-exclusion environment.
- Applying the exclusion process fairly and consistently.
- Ensuring the exclusion process is understood by governors, staff, parents, and students.
- Ensuring students do not become NEET (not in education, employment or training).

Rationale relating to Suspension and Exclusion

OIAMFS is firmly committed to inclusion rather than exclusion and will endeavour to address all poor behaviour through the behaviour policy. OIAMFS believes it should model good behaviour and that ALL adults should see themselves as role models. However, situations may occur where reasonable adjustments and support strategies are exhausted and, in the view of the Principal it is necessary to exclude or suspend a student to:

- Allow an investigation¹
- Provide a 'cooling-off' period
- Make plans for alternative curriculum arrangements
- Indicate the seriousness of an incident given that exclusion from our school community is treated as the greatest sanction

The decision to suspend or exclude

Only the Principal can exclude or suspend a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll,

¹ Investigations relating to suspensions will most often be conducted by a member of the senior leadership team or a member of the pastoral staff who has not been involved previously in the incident. They will gather information from all necessary parties without bias. Once the information is gathered it will be given due regard and the Principal will make a decision based on the information available.



Exclusion and Suspension Policy

when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions and suspension procedures to ensure that every child receives an education in a safe and caring environment.

Any decision to suspend or exclude a student will be taken in the following circumstances:

- In response to a serious breach or persistent breaches of the OIAMFS's Behaviour Policy, and
- If allowing the student to remain in OIAMFS would seriously harm the education or welfare of the student or others in the school

Before deciding whether to suspend or exclude a student, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion or suspension were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

Examples of unacceptable conduct*

Suspension or exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the OIAMFS's Behaviour Policy:

- Verbal abuse to staff – including racist remarks
- Verbal abuse to students – including racist remarks
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Malicious damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault or harassment
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson



Exclusion and Suspension Policy

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour
- Misuse of social media or the internet against OIAMFS's policy or that results in harm or bullying to students whether at school or elsewhere.

* This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion or suspension is an appropriate sanction.

Suspension or Exclusion procedure*

OIAMFS realises the significance of suspending or excluding a student and will avoid this where possible.

Alternatives might include:

- Time in the school's Inclusion provision
- Part time, timetable
- School After School
- Reparation
- Time in Inclusion rooms in other secondary schools.

Most suspensions are for a fixed term and of short duration (usually between one and five days).

The Governors have established arrangements to review promptly all permanent exclusions from the OIAMFS and all fixed term suspensions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

*For more information regarding the duty of the governing body please see the section titled, 'Roles & Responsibilities'.

Following suspension, parent/carers are contacted immediately where possible. A letter will be sent by post or collected from school Reception, providing details of the suspension and the date the suspension ends. Parent/carers have a right to make representations to the Governing Body as directed in the letter.

Fixed Term Suspension 'Reintegration' Meeting

A 'Reintegration' meeting will be held following the expiry of the fixed term suspension and this will involve a senior leader and a member of the pastoral staff. The suspension letter will make this time clear and the school will endeavour to ensure that this is convenient to parent/carers. The spirit of this meeting is that young people make mistakes, that we learn from them and then are able to move on.

During the course of a fixed term suspension, where the student is to be at home, parent/carers will be advised that the student is not allowed on the school premises or within



Exclusion and Suspension Policy

the proximity of the school during school hours, and that daytime supervision is their responsibility, as parents/guardians.

The school's obligation to provide education continues. Any student suspended from OIAMFS will be set work for the first five days. The work set will be online unless the parent/carers requests paper based work which they are responsible for collecting from the school reception. Work will be provided on the day following the issuing of a fixed term suspension. It is parent/carers responsibility to ensure work is completed and returned promptly for marking. Any difficulty with the work will be dealt with through communication between the parent/carer and the Head of Year. Parent/carers also have a duty to ensure that their child is not present in a public place in school hours during the period of suspension.

Recording and reporting of Exclusions

All suspensions and exclusions will be recorded on sims showing students' details, duration of the suspension or exclusion and details of the reason(s) for. This file will be used to make any statutory returns to the DfE (within the requirements of the Data Protection Act). It will also be used to determine summative data to report to Governors/Inspectors for evaluative purposes.

Permanent Exclusion

The decision to exclude a student permanently is deemed extremely serious. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an accumulation of incidents and an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which may include racist or homophobic bullying) or repeated possession and or use of an illegal substance on school premises.

A number of interventions will have been implemented and failed – including the last resort of an appearance at the Governor's Student Disciplinary Panel (*details explained at the end of the policy*). Parent/carers have access to their child's behaviour record and can clearly identify where their child is in line with their behaviour journey.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual harassment, abuse or assault
- Supplying an illegal substance
- Carrying an offensive weapon *
- Arson



Exclusion and Suspension Policy

OIAMFS will consider police involvement for any of the above offences given that outside of school they would be considered to be a criminal offence. OIAMFS does not want to see its students 'criminalised' and will do as much as it can to avoid this.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with them for such use by them."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the good order and wellbeing of the school.

General factors OIAMFS considers before making a decision to exclude any student.

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student the Principal will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations
- Allow the student to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment
- Inform the parent/carers that exclusion or suspension has been decided as the appropriate course of action

If the Principal is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion may be the outcome.

The DfE's Guidance states the factors that a Headteacher or Principal should take into account before taking the decision to permanently exclude a student. These are:

- In response to a serious breach or persistent breaches of the school's behaviour policy; or
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The Headteacher or Principal should give the student an opportunity to present their case before making the decision to exclude.

Exercise of discretion

In reaching a decision, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. The school will keep a record of exclusions/suspensions and overtime this will



Exclusion and Suspension Policy

be monitored to ensure that OIAMFS is consistent in its response to similar or comparable incidents.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy
- The effect that the student remaining in OIAMFS would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Student Disciplinary Panel, when it meets to consider the Principal's decision to exclude. This Panel will require the Principal to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion. When considering permanent exclusion, the Principal will consult with a member of the governing body (a governor other than the chair or vice chair of governors.) The Principal may also seek advice from others such as the Safer Schools Police Officer or the LADO.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Principal will have regard to the OIAMFS's published policy on drugs and the advice we may get from others such as the Safer Schools Police Officer. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, fixed term exclusion will be more appropriate than permanent exclusion. The Principal will make a judgment set against the criteria in the OIAMFS's Drugs Policy. For drug related incidents, it is expected that the Principal will inform the police.

Roles and responsibilities – step by step process

The Principal

Informing parents

The Principal will immediately provide the following information, in writing, to the parents/carers of an excluded or suspended student:

- The reason(s) for the exclusion or suspension
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent



Exclusion and Suspension Policy

- Information about parents/carers' right to make representations about the exclusion or suspension to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion or suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion or suspension:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-term suspension is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 15 school days in a term
- Exclusions which would result in the student missing a public examination

For all other exclusions or suspensions, the Principal will notify the governing board and LA once a term.

The local authority



Exclusion and Suspension Policy

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. (The local authority are contactable at Inclusive Education Service, Inclusion Officer, Margaret McMillan Tower, Fifth Floor, Prince's Way, Bradford BD1 1NN or 01274 439254).

The governing board - Student Disciplinary Panel

Responsibilities regarding exclusions are delegated to Governors' Student Disciplinary Panel consisting of at least 3 governors and be supported by the clerk of governors.

The Governors have established arrangements to review promptly all permanent exclusions from the OIAMFS and all fixed term suspensions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

Parents and carers have the right to request a meeting with the Student Disciplinary Panel. In the first instance the parents or carers should state their case in writing to the Chair of Governors and Clerk of Governors at OIAMFS (address: One In A Million Free School, Clerk & Chair of Governors, Cliffe Terrace, Bradford, BD8 7DX or by email: rachael.james@bradford.gov.uk).

The Chair will form a panel consisting of three governors (that should not consist of staff or parent governors). A meeting will be chaired by one of the governors. Parent/carers will be invited to attend the meeting along with the Principal, a clerk to the meeting, members of the school's senior leadership team and in some instances a representative of the Local Authority will also be present. Should the parent/carer wish to bring the excluded student to the meeting they should inform the Clerk of Governors.

The Governors' Student Disciplinary Panel has a duty to consider the reinstatement of an excluded student.

The Student Disciplinary Panel Meeting:

Prior to the exclusion meeting parents/carers will receive a digital copy of any school reports, investigation and evidence papers, which are provided by the school to the Student Disciplinary Panel. The meeting purpose is:

- To establish whether, based on the facts known at the time, the Principal took the right action in excluding the student
- To consider whether the type or length of period of exclusion was appropriate
- To ensure the exclusion was reasonable, fair and appropriate taking into account the Principal's legal duties.
- The governing body is legally required to consider the interests and circumstances of the excluded student, including circumstances in which the student was excluded, and have regard to the interests of other students and people working in the school to establish that the Principal's decision warrants a permanent exclusion and is:



Exclusion and Suspension Policy

- In response to serious or persistent breaches, of the OIAMFS's behaviour policy; and
- If allowing the student to remain in OIAMFS would seriously harm the education or welfare of the student or others in the school.

Based on the evidence presented to them the governors on the panel, they have two basic options:

- To reinstate the student, immediately or a future date, or;
- To decline to reinstate.

Considering the reinstatement of a student

The Governors' Student Disciplinary Panel will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test.

Where an exclusion or suspension would result in a student missing a public examination, the Governors' Student Disciplinary Panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Governors' Student Disciplinary Panel will consider the exclusion and decide whether or not to reinstate the student.

In reaching a decision, the Governors' Student Disciplinary Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

Notification of the decision/outcome

Parents/carers will receive a letter from the Clerk of Governors, which will state whether the child should be readmitted to the school. If the Student Disciplinary Panel agrees that the child should be reinstated, parents/carers will be told the date on which s/he can return to school. If the student remains excluded the child cannot return to the same school. The Panel's decision to not reinstate is final within our Academy Trust. A named officer from Children's Services will contact parents/carers to discuss what should happen next and arrange a suitable alternative placement for the child.



Exclusion and Suspension Policy

The governing body must ensure that a student's name is removed from the school admissions register if 15 school days have passed since the parents were notified of the governing panel's decision to not reinstate the student and no application has been made for an independent review panel.

Where exclusion is permanent, the Governors' Student Disciplinary Panel decision will also include the following:

- The fact that it is permanent
- Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made
- The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents/carers have a right to require One In A Million Free School to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.

If parents/carers believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An independent review

If parent/carers apply for an independent review, Bradford school will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by writing to the Chair of Governors and Clerk of Governors at OIAMFS



Exclusion and Suspension Policy

(address: One In A Million Free School, Clerk & Chair of Governors, Cliffe Terrace, Bradford, BD8 7DX or by email: rachael.james@bradford.gov.uk)

School will provide further details regarding the independent review panel and who the representatives are that make up the panel.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.

Monitoring, Evaluation And Review

The Governing Body will review and amend this policy and procedure at least every two years or as required by:

- Changes in legislation
- Changes in guidelines from advisory bodies
- The effectiveness of the policy

The next review will be August 2025